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Attorneys for Plaintiff and the Class

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

SPENCER HOYT, individually, and on behalf of other similarly situated individuals, and on behalf of the general public,

Plaintiff,

V.

HIRERIGHT, INC.,

Defendant.

Case No. 3:13-CV-1432-BAS-BLM

**PLAINTIFF'S NOTICE OF
MOTION AND MOTION FOR
FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

District Judge: Cynthia A. Bashant
Courtroom: 4B
Hearing Date: September 19, 2016
Time: 10:30 am

NOTICE OF MOTION AND MOTION

NOTICE OF MOTION FOR FINAL APPROVAL OF CLASS ACTION

SETTLEMENT

Please take notice that Plaintiff's Motion for Final Approval of Class Action Settlement will be heard together with Plaintiff's Motion for Approval of Attorneys' Fees and Expenses and Class Representative Service Award on September 19, 2016 at 10:30 am Pacific Time, or as soon thereafter as the Motion may be heard, in Courtroom 4B on the 4th Floor of the United States District Court for the Southern District of California, 221 West Broadway, San Diego, California, before the Honorable Cynthia Bashant.

MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

Pursuant to Federal Rule of Civil Procedure 23, Plaintiff Spencer Hoyt respectfully moves this Court to enter an Order:

1. Certifying the Settlement Class as certified for the settlement purposes in the Court's Preliminary Approval Order and identified as follows: All individuals for whom HireRight's records indicate that the individual made a request for information from the consumer's file from May 23, 2008 through the date of preliminary approval.

2. Finding that this settlement is the result of arms-length negotiation by Plaintiff, Class Counsel, and Defendant.

3. Finding that Class Notices were properly served on Class Members in accordance with the terms of the Settlement Agreement and in compliance with the Court's Preliminary Approval Order.

4. Finding that the Class Notices and the settlement distribution procedures set forth in the Settlement Agreement fully satisfy Rule 23 of the Federal Rules of Civil Procedure and the requirements of due process, were the best notices practicable under the circumstances, provided individual notice to all members of the Settlement Class who could be identified through reasonable effort, and support the Court's exercise of jurisdiction over the Settlement Class.

5. Finding that the notice provided by Defendant to the appropriate state
NOTICE OF MOTION AND 2. Case No. 3:13-CV-1432-BAS-BLM
MOTION

and federal officials pursuant to the Class Action Fairness Act of 2005, 28 U.S.C. § 1715, fully satisfied the requirements of that statute.

6. Finding that the terms and conditions of the settlement as contemplated by the Settlement Agreement constitute a “fair, reasonable, and adequate” settlement as to all members of the Settlement Class in accordance with Rule 23(e) of the Federal Rules of Civil Procedure and finally approving the Settlement Agreement.

7. Reserving jurisdiction over all matters arising out of the Settlement Agreement and incorporating the terms of the Injunctive Relief Order.

8. Approving Class Counsel's application for \$655,000 in attorneys' fees and \$60,000 in costs, and the Incentive Award to the Named Plaintiff in the amount of \$10,000.

9. Dismissing this Action and all claims with prejudice without costs to any party, except as expressly provided for the Settlement Agreement.

10. Finally approving the settlement and entering final judgment pursuant to Rule 54 of the Federal Rules of Civil Procedure, binding on the parties and the Settlement Class.

This motion is based on the points and authorities cited in Plaintiff's accompanying memorandum of points and authorities; the contemporaneously-filed declaration of Anna P. Prakash; the previously-filed declarations of Anna P. Prakash, Megan D. Yelle, and E. Michelle Drake; the arguments of counsel; and all files, records, and proceedings in this matter.

Respectfully Submitted,

Dated: August 11, 2016

NICHOLS KASTER, PLLP

By: /s/ Anna P. Prakash
Anna P. Prakash
(admitted *pro hoc vice*)

Attorney for Plaintiff and the Classes

NOTICE OF MOTION AND MOTION

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served electronically via ECF to all counsel of record.

Date: August 11, 2016

/s/Anna P. Prakash

Anna P. Prakash